

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL ALEXANDER MELLERIO,

Petitioner,

Civ. No. 2:18-cv-865-MK

v.

ORDER

BRAD CAIN, Superintended SRCI; and
MARK NOOTH, Superintendent SRCI,

Respondents.

MCSHANE, Judge:

Magistrate Judge Mustafa Kasubhai filed a Findings and Recommendation (ECF No. 42), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 42) is adopted. The Petition is DENIED and this matter is dismissed. As Petitioner has not made a substantial

showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2), a Certificate of Appealability is DENIED.

IT IS SO ORDERED.

DATED this 24th day of February, 2021.

/s/ Michael J. McShane
Michael McShane
United States District Judge